

Notice of Allowability

Application No.

10/719,801

Examiner

Nitin C. Patel

Applicant(s)

JUSTEN, JORDAN L.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 6 September 2006.
2. ☒ The allowed claim(s) is/are 1-36.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>9/27/06</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>9/6/06</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

1. This is in responsive to amendment filed on 6 September 2006.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 6 September 2006 was filed after the mailing date of the first office action on 31 May 2006. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. John F. Conroy [reg.# 45,485] on 27 September 2006.

3. Please amend the claims 25 – 30, and 35 - 36 as follows:

In claim 25:

On line 4 on page 9, in item (e), after the words "execute the" replace "another" with "second initialization "

In claim 26:

On line 2, after the word "the instructions" insert the words---on machine accessible medium---

In claim 27:

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On line 1, after the word "the instructions" insert the words---on machine accessible medium---

In claim 28:

On line 2, after the word "the instructions" insert the words---on machine accessible medium---

In claim 29:

On lines 1-2, after the word "the instructions" insert the words---on machine accessible medium---

In claim 30:

On lines 1-2, after the word "the instructions" insert the words---on machine accessible medium---

On lines 2-3, after the word "to execute" replace "an" with "a third"

In claim 35:

On lines 1-2, after the word "the instructions" insert the words---on machine accessible medium---

In claim 36:

On lines 1-2, after the word "the instructions" insert the words---on machine accessible medium---

Reasons For Allowance

4. With respect to claims 1,10, 16, and 25, the prior art fails to disclose or suggest "non-memory mapped non-volatile region including one or more non-memory mapped executable instructions to initialize the data processing system", "copying a page including a second initialization instruction from non-memory

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mapped firmware to a second memory region, translating an address in the second initialization instruction to a physical address of the copied page in the second memory region", "non-memory mapped non-volatile region including one or more non-memory mapped executable instructions to initialize the data processing system" and "copying a page including a second initialization instruction from non-memory mapped firmware to a second memory region, translating an address in the second initialization instruction to a physical address of the copied page in the second memory region", respectively. Claims 2 – 9, 31; 11 – 15, 32 – 33; 17 – 24, 34; and 26 – 30, 35 – 36 depend from claims 1, 10, 16, and 25 respectively, and likewise are allowable.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nitin C. Patel whose telephone number is 571-272-3675. The examiner can normally be reached on 6:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on 571-272-3670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair->

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direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nitin C. Patel
September 27, 2006



LYNNE H. BROWNE
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